

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 2:08-cr-00014-JPH-CMM
)	
DEWAYNE PHELPS,)	-06
)	
Defendant.)	

ORDER

I.

Defendant's Amended Motion for Compassionate Release and supporting exhibits violate Federal Rule of Criminal Procedure 49.1 because, at a minimum, some of the exhibits include Defendant's full date of birth. Likewise, the United States' response to Defendant's motion violates Rule 49.1 because, at a minimum, the exhibit to the response includes Defendant's full date of birth. Accordingly, the documents (dkts. 733, 733-1 through 733-15, 734, and 734-1) are hereby **stricken**. The clerk is directed to **strike these documents from CM/ECF and remove them from public view**.

The Court also notes that Defendant's counsel has filed 946 pages of medical records, apparently representing the entirety of Defendant's medical records since at least 2010. Defendant's amended motion, however, includes no pinpoint citations directing the Court to which of these voluminous records are relevant. To the extent counsel has simply filed all the records in his possession, regardless of relevance, the Court notes that Local Rule 26-2 prohibits the filing of discovery materials in most situations. To the extent counsel intended the entire 946 pages to be evidence in support of Defendant's amended motion, the sheer volume of the records suggests that some of that evidence is duplicative or cumulative. Regardless, it is not the Court's responsibility

to sift through more than 900 pages of medical records to determine which of them might support Defendant's request for compassionate release. *United States v. Dunkel*, 927 F.2d 955, 956 (7th Cir. 1991). In re-filing, Defendant's counsel is instructed to file only the records that are necessary to the Court's review and to provide pinpoint citations within his brief that identify the purpose of the records being cited.

II.

Defendant's motion to lift the stay in this case, dkt. [732], is **granted**. The stay in this case is **lifted**. Defendant shall re-file his amended motion and supporting exhibits within 7 days of the date of this Order. The United States shall file its response to Defendant's amended motion within 7 days after the amended motion and supporting exhibits are re-filed. Any reply shall be filed within 7 days after the United States files its response.

SO ORDERED.

Date: 11/3/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

All Electronically Registered Counsel